

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**OFFICE OF THE
REGIONAL ADMINISTRATOR

January 22, 1998

MEMORANDUM

SUBJECT: CALFED Draft EIS/EIR - Club FED Procedures

TO: Regional Club FED Member Agencies (see list)
David Cottingham - Headquarters Coordinator
Lester Snow - CALFED Bay Delta Program

FROM: Patrick Wright
Club FED Regional Manager

As you know, we are rapidly approaching the release date for the CALFED Bay Delta Program Draft EIS/EIR. The purpose of this memorandum is to alert each Club FED agency about the proposed process for securing federal agency approval for the release of this Draft EIS/EIR.

1. Procedural Compliance with NEPA

In the December 1995 Memorandum of Understanding on the Development of an Environmental Impact Statement on the CALFED Bay-Delta Program, the original four federal co-lead agencies (EPA, BOR, FWS and NMFS) agreed that the Bureau of Reclamation would be responsible for complying with the federal procedural requirements of NEPA (such as filing federal register notices and filing copies of the EIS/EIR with EPA). A copy of that December 1995 MOU is attached for your reference.

At our Club FED meeting in December, we agreed that the newly-enlarged Club FED would continue using the Bureau of Reclamation for the procedural aspects of NEPA compliance. We also agreed that, rather than sign yet another MOU, we would use this letter to memorialize that decision.

2. Signing the Draft EIS/EIR

Our recent discussions at the CALFED Management Team proposed that the public release documents should be signed by the State and Federal co-chairs of the CALFED Policy Team and by the Program Director (that is, by Wheeler, Perciasepe, and Snow). Securing every state and federal agency's signature for each of these documents simply isn't feasible, given our time constraints.

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3. Co-lead Agency Compliance

Even though we've simplified the signing process, the Club FED co-lead agencies (BOR, FWS, NMFS, EPA, NRCS, and COE) must still make sure that they do whatever they normally do to authorize the release of a Draft EIS. For example, if you normally authorize a Draft EIS by briefing the Regional Director and securing the Regional Director approval, you must still go through that process.

To encourage each of the federal co-lead agencies to get this internal compliance process identified and lined up, and to provide Perciasepe with a basis for signing the documents on behalf of the Club FED co-lead agencies, I am proposing the following:

(a) Each federal co-lead should identify a person responsible for securing agency approval and should give me that person's name at the CALFED Policy Meeting next week.

(b) Before the Draft EIS can be signed, each of the federal co-lead agencies must send me a letter from that responsible person confirming that the agency's internal process for approving the release of a Draft EIS has been successfully completed. We should discuss whether each agency should send a "standard" letter; if so, I will draft an example.

If you have any questions or concerns about the procedures outlined above, please call me immediately at (415) 744-1024, or, in my absence, call Tom Hagler at (415) 744-1375.

David Cottingham
Lester Snow

National Marine Fisheries Service

Jim Lecky
Gary Stern

US Fish & Wildlife Service

Mike Spear
Wayne White

US Bureau of Reclamation

Roger Patterson
Penny Howard

US Environmental Protection Agency

Felicia Marcus
Karen Schwinn

US Department of Agriculture

John Lowrie

US Army Corps of Engineers

Carl Enson
Walter Yep
Mary Gillespie
Jim Monroe

US Bureau of Land Management

Carl Rountree

US Geological Survey

Mike Shulters
Larry Smith

Western Area Power Administration

Nannette Engelbrite

US Department of Agriculture

Kathy Clement

US Department of Interior

David Nawi-Solicitor
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National Marine Fisheries Service

Dawn Andrews-Solicitor

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